



Eckert Seamans Cherin & Mellott, LLC  
U.S. Steel Tower  
600 Grant Street, 44<sup>th</sup> Floor  
Pittsburgh, PA 15219

TEL: 412 566 6000  
FAX: 412 566 6099

Lauren M. Burge  
412.566.2146  
[lburge@eckertseamans.com](mailto:lburge@eckertseamans.com)

March 12, 2025

**Via Electronic Filing**

Rosemary Chiavetta Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Re: SCH USA, LLC v. Aqua Pennsylvania Wastewater, Inc.  
Docket Nos. C-2022-3036893 and C-2022-3037118

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Dear Secretary Chiavetta:

Enclosed for electronic filing please find SCH USA's Answer to Motion of Aqua Pennsylvania Wastewater, Inc. for Official Notice of the 2024 Rate Docket with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

*/s/ Lauren M. Burge*

Lauren M. Burge

Enclosure

cc: Hon. John M. Coogan w/enc.  
Cert. of Service w/enc.

**CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of SCH USA, LLC's Answer to Aqua's Motion for Official Notice upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

**Via Email Only**

Margaret A. Morris, Esq.  
Reger Rizzo & Darnall LLP  
Cira Centre, 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

Dated: March 12, 2025

*Lauren M. Burge*  
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Lauren M. Burge, Esq.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SCH USA, LLC	:	
	:	Docket No. C-2022-3036893
v.	:	Docket No. C-2022-3037118
	:	
Aqua Pennsylvania Wastewater, Inc.	:	

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**ANSWER OF SCH USA, LLC TO  
MOTION OF AQUA PENNSYLVANIA WASTEWATER, INC.  
FOR OFFICIAL NOTICE OF THE 2024 RATE DOCKET**

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Pursuant to 52 Pa. Code § 5.103, SCH USA, LLC (“SCH USA”) submits this Answer to the Motion for Official Notice of the 2024 Rate Docket filed by Aqua Pennsylvania Wastewater, Inc. (“Aqua”) on February 20, 2025 in the above referenced matter. Through its Motion, Aqua requests that Administrative Law Judge (“ALJ”) John M. Coogan take judicial notice of Aqua’s base rate proceeding and specifically the Commission’s Opinion and Order entered February 7, 2025 in the base rate proceeding (“Order”).<sup>1</sup> For the reasons discussed herein, Aqua’s Motion should be denied. SCH USA filed a Petition for Reconsideration of the Order, and the Commission granted SCH USA’s Petition for Reconsideration pending further review of and consideration on the merits. Given that reconsideration is currently pending, the Order is not a final order and is not appropriate for judicial notice. In support of this Answer, SCH USA submits as follows:

**I. ANSWER**

Aqua’s Motion must be denied as it inappropriately requests judicial notice of an order that is not final, and specifically seeks official notice of findings related to SCH USA’s billing that are currently pending reconsideration. On February 7, 2025, the Commission’s Order was entered in

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<sup>1</sup> Docket Nos. R-2024-3047822, R-2024-3047824 *et al.*

Aqua’s base rate proceeding. On February 24, 2025, SCH USA filed a Petition for Reconsideration of the Order. On March 4, 2025, the Commission issued an Opinion and Order granting SCH USA’s Petition for Reconsideration pending review of and consideration on the merits.<sup>2</sup> Reconsideration of the Order is currently pending. As such, the Order is not final and does not provide any useful information that would warrant taking official notice, particularly since the findings related to SCH USA’s claims may change upon reconsideration.

Further, Aqua’s motion once again mischaracterizes SCH USA’s arguments in the rate case as being “identical” to those in the complaint case.<sup>3</sup> While there may be some overlap between the issues raised in SCH USA’s Formal Complaints and the issues SCH USA may address in Aqua’s rate case, the issues are not identical. For example, SCH USA is seeking relief from past overbillings in this complaint proceeding; this type of relief could not have been obtained in the rate case which is seeking changes to Aqua’s future rates. SCH USA has presented different testimony and different arguments in these separate proceedings to address the differing claims. Notably, Aqua previously attempted to consolidate SCH USA’s complaint case with the rate case, but its motion was denied as the ALJ found that the complaint proceedings “...implicate matters related to individual account and billing issues that may not be adequately addressed in a base rate proceeding.”<sup>4</sup> Even once a final order is issued in the rate case, official notice of this order would have limited utility as SCH USA’s claims are not identical between the rate case and this complaint proceeding.

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<sup>2</sup> Aqua also filed a Petition for Partial Reconsideration of the Order on issues unrelated to billing practices for SCH USA. Aqua’s Petition was similarly granted pending further review and consideration on the merits, which is currently pending.

<sup>3</sup> Motion at 3.

<sup>4</sup> Order Denying Motion to Consolidate and Motion to Stay (Aug. 12, 2024), at 5.

For these reasons, judicial notice of the Commission's February 7, 2025 Order in Aqua's rate case is inappropriate and untimely, and therefore Aqua's Motion should be denied.

**II. CONCLUSION**

WHEREFORE, SCH USA respectfully requests that Aqua's Motion for Official Notice be denied.

Respectfully submitted,

/s/ Lauren M. Burge

Lauren M. Burge, Esquire (I.D. No. 311570)  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street, 44<sup>th</sup> Floor  
Pittsburgh, PA 15219  
(412) 566-2146 (phone)  
(412) 566-6099 (fax)  
[lburge@eckertseamans.com](mailto:lburge@eckertseamans.com)

Carl R. Shultz, Esquire (I.D. No. 70328)  
Bryce R. Beard, Esquire (I.D. No. 325837)  
Eckert Seamans Cherin & Mellott, LLC  
213 Market St., 8<sup>th</sup> Floor  
Harrisburg, PA 17101  
(717) 237-6000 (phone)  
(717) 237-6019 (fax)  
[cshultz@eckertseamans.com](mailto:cshultz@eckertseamans.com)  
[bbeard@eckertseamans.com](mailto:bbeard@eckertseamans.com)

Dated: March 12, 2025

*Counsel for SCH USA, LLC*